

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FOX INDUSTRIES, INC., et al.

Plaintiff(s),

-against-

LEONID GUROVICH, et al.,

Defendant(s).
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ORDER

CV 03-5166 (TCP) (WDW)

WALL, Magistrate Judge:

By order dated September 1, 2005, the defendants were awarded fees and costs on a Rule 37 motion and were ordered to submit their application for fees within seven days of the date of the order. On September 13, the defendants electronically filed their application, seeking \$1,225 in fees. By order dated September 21, 2005, the undersigned noted the absence of contemporaneous time records in the defendants' application and gave them until September 30, 2005 to submit such records. On September 30, defendants electronically filed papers, now seeking \$2800.

As a threshold matter, the court will not consider the additional \$1655 that the defendants are seeking. The original deadline for filing a claim for fees was seven days from September 1, 2005 (calculated pursuant to Federal Rule 6), and only the fees claimed by that date will be considered.

The court will accept Mr. Schwarz's representation that he created Schedule A from contemporaneous records entered on a computerized time and billing system and accepts Schedule A as satisfying the requirement for contemporaneous records. Based on those records, the court will award the defendants the amount sought, which the court finds to be based on a reasonable hourly rate and a reasonable number of hours. Thus, the defendants are awarded \$1,225 in fees.

Dated: Central Islip, New York
October 17, 2005

SO ORDERED:

s/ William D. Wall

WILLIAM D. WALL

United States Magistrate Judge